IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 1819 2004

Between:

R. Sakku Bai W/o. Dr. R.S.Ram Murthy
R/o. H.No.3-3-835/2, B2, 3rd Floor, "Meera Niketan", Kutbiguda, Hyderabad.

..... PETITIONER

AND

1 The State Bank of India, Narayanaguda Branch, Hyderabad, rep., by

its Chief Manager.
2 Authorized Officer, Under Securitisation & Reconstruction of Financial

Assets and Enforcement of Security Interest Act 54 of 2002,
State Bank of India, Narayanaguda Branch, Hyderabad Circle,

Hyderabad.
3 The State Bank of India, Zonal Office, Bank Street, Koti, Hyderabad

rep., by its Chief General Manger.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or direction more particularly one in the nature of Writ of

Mandamus to declare the action initiated by the 1st to 3rd respondents under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest [Act No.54 of 2002] for recovery of the loan obtained by M/s. Rabindra Medicals Private Limited, Ramkoti, Hyderabad, again, in addition to filing of O.S.No.1468 of 1998, on the file of Vth Senior Civil Judge, City Civil Courts, Hyderabad, has been dismissed & has become final, as illegal, arbitrary, hit by Principles of Res judicata and Principles of Law and contrary to Section 31 of the Act and consequently to set aside all the actions taken in pursuance of the Notice issued under Section 13[2] of the Act, dated 5.11.2003, and further direct the respondents to release the house property bearing H.No.
3-3-835/2, B2, 3rd floor, "Meera Niketan", Kutbiguda, Hyderabad, which is alleged to have been taken possession through notice received on 24.1.2004 of the 2nd respondent, in the interest of justice.

Counsel for the Petitioner : Mr.B.SUDHAKAR REDDY

Counsel for the Respondents : Mrs.P.BALA RANI, S.C. FOR SBI

The Court made the following :

ORAL ORDER (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is therefore, dismissed. No costs.

DEVINDER GUPTA, CJ

C.V.RAMULU, J

Date: 14.9.2004

VR

To

1 The Chief Manager, State Bank of India, Narayanaguda Branch,

Hyderabad.
2 The Authorized Officer, Under Securitisation & Reconstruction of

Financial Assets and Enforcement of Security Interest Act 54 of 2002,
State Bank of India, Narayanaguda Branch, Hyderabad Circle,

Hyderabad.
3 The Chief General Manager, State Bank of India, Zonal Office, Bank

Street, Koti, Hyderabad.

4 Two CD copies.